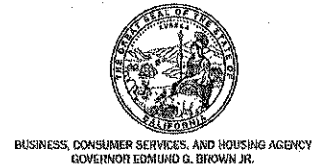




Professional Fiduciaries Bureau
Post Office Box 989005
West Sacramento, CA 95798-9005
Telephone: (916) 574-7340 FAX (916) 574-8645
Website: www.fiduciary.ca.gov



Citation Order

Date: January 9, 2014
Name: Daniel J. Cunningham
Address: 703 Market Street, Suite 200
San Francisco, CA 94103

License Number: PF 294
Case Number: PF- 2013-25

I, Julia Ansel, hereby issue this citation solely in my official capacity as Chief of the Professional Fiduciaries Bureau of California, hereinafter referred to as the "Bureau."

License History:

The records of the Bureau show that license number PF294 was issued to you, Daniel J. Cunningham, on January 9, 2009 and will expire on April 30, 2014.

Citation:

A citation is hereby issued to you in accordance with section 125.9 and 6580(b)(1) of the Business and Professions Code for the violation described below.

Cause for Violation:

Cause exists under section 6584(h) of the Business and Professions Code to issue a citation for exhibiting unprofessional conduct related to the practice of a professional fiduciary, in violation of Division 41, Title 16, California Code of Regulations sections 4476 and 4482 of the Professional Code of Ethics, based on the following conduct:

Section 6531 of the Business and Professions Code provides that no professional fiduciary shall practice with an expired, suspended or revoked license. Your license expired on April 30, 2013 and was not renewed until November 4, 2013. During that time you continued to operate and hold yourself out as a professional fiduciary in violation of section 6531 B&P Code. According to the Bureau's records you had approximately 20 clients during this time.

Order of Abatement and Corrective Action:

The Bureau directs you to immediately take action as may be necessary to achieve full compliance with all provisions of the Professional Fiduciary Act and regulations adopted by the Bureau.

Unless you are contesting the citation, failure to abate the violation charged within 30 days of the date of your receipt of this document may be deemed to constitute a violation of the Professional Fiduciaries Act. Failure to comply may result in disciplinary action being taken by the Bureau or other appropriate judicial relief being taken against you.

The fine for this violation is: \$500.00

The Bureau is authorized to issue citations containing orders of abatement and/or administrative fines pursuant to Sections 125.9 or 6580(b)(1) of the Business and Professions Code against a professional fiduciary who has committed any acts or omissions which are in violation of the Act or the regulations contained in Division 41, Title 16, California Code of Regulations.

Payment of the administrative fine, if any, and abatement will be considered satisfactory resolution of the violation(s) cited.

The citation will become a final order of the Bureau 30 days after the date of issuance of the citation. Payment must be made by cashier's check or money order only, payable to the Professional Fiduciaries Bureau. A personal or business check will not be accepted. Please indicate the citation number on the cashier's check or money order and mail it to the Bureau at 1625 North Market Blvd., Suite S-209, Sacramento, CA 95834.

Appeal of Citation:

If you desire an administrative hearing to contest the finding of the violation, the request must be made in writing within thirty (30) days of the issuance of this citation.

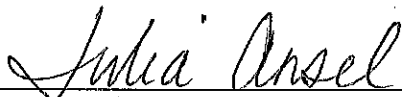
In addition to requesting an administrative hearing as provided for in subdivision (b)(4) of Section 125.9 of the Business and Professions Code, you may request an informal conference to review the acts charged in the citation. Your request for an informal conference must be made in writing, within ten (10) days after the issuance of the citation. If the conference is requested, the Bureau will hold the conference within sixty (60) days from the receipt of your request.

At the conclusion of the informal conference, the Bureau may affirm, modify or dismiss your citation, including any fine levied or order of abatement issued. The Bureau will issue a written decision explaining the reasons for its action. The decision will be deemed to be a final order of the Bureau with regard to the citation issued; including any administrative fine levied or order of abatement.

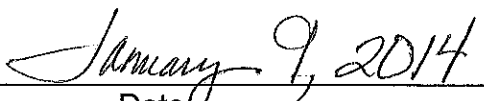
If the citation, including any fine levied or order of abatement, is modified, the citation originally issued shall be considered withdrawn and a new citation issued. If the cited person desires a formal hearing to contest the new citation or to contest the Bureau's affirmation of the citation, you must make a new request in writing, within thirty (30) days of receipt of the informal conference decision, to the Bureau. The hearing will be conducted as provided for in subdivision (b)(4) of Section 125.9. You may not request an informal conference for a citation which has been modified following an informal conference.

If a hearing is not requested, payment of any fine will not constitute an admission of the violation charged. Issuance of a citation is subject to public disclosure. Notwithstanding any other provision of law, if a fine is paid to satisfy an assessment based on the finding of a violation, payment of the fine will be represented as a satisfactory resolution of the matter for purposes of public disclosure.

Where a citation is not contested and a fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without payment of the renewal fee in accordance with the Business and Professions Code Section 125.9.



Julia Ansel, Chief



Date

**DEPARTMENT OF CONSUMER AFFAIRS
PROFESSIONAL FIDUCIARIES BUREAU**

Daniel J. Cunningham (PF 294)
703 Market Street, Suite 200
San Francisco, CA 94103

Re: License Number: PF 294
Case Number: PF 2013 25
Citation No: PF 2013 25

I hereby acknowledge receipt of the above referenced citation and notification of my rights to contest the citation pursuant to Business and Professions Code Section 125.9 and Title 16, California Code of Regulations Sections 4600.

____ Enclosed is a cashier's check or money order in the amount of \$_____ as payment for the citation and fine assessment.

____ *I hereby contest the citation and request an informal office conference. I understand that I am not waving my right to a formal hearing pursuant to Chapter 5 (commencing with Section 11500) of Part 1, Division 3 of Title 2 of the Government Code.

____ *I request a formal hearing pursuant to Chapter 5 (commencing with Section 11500) of Part 1, Division 3 of title 2 of the Government Code.

____ *I request an informal conference, however in lieu of personally attending, I am enclosing information and/or documents for use in re-evaluating the circumstances surrounding the issuance of the citation.

The citation, order of abatement and/or administrative fine is contested for the following reasons:

***No administrative fines are due while a citation is under appeal. If appealing, do not submit and payment at this time.**

Name: _____ Date: _____

Signature: _____ Telephone Number: _____

Title: _____ FAX No: _____